

Notice of Allowability

Application No.

10/066,564

Examiner

Alvin H. Tan

Applicant(s)

WATANABE ET AL.

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/8/06.
2. ☒ The allowed claim(s) is/are 1,3,5 and 6.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Kurt M. Berger on February 5, 2007.

2. The application has been amended as follows:

Please amend claims 1 and 3 as follows:

Claim 1:

On *[line 10]* of the claim, please change "the character message" to --a character message--.

Claim 3:

On *[line 10]* of the claim, please change "the text message" to --a text message--.

Allowable Subject Matter

3. Claims 1, 3, 5, and 6 are allowable.

4. The following is an examiner's statement of reasons for allowance:

Examiner has carefully considered claims 1 and 5. Regarding claims 1 and 5, the closest prior art, Nishihata (Pub. No. US 2003/0011643 A1), teaches a chat system that includes terminal devices, each including both an expression data control unit and a control data generating unit, wherein the terminal devices are capable of sending animation with speech text as the expression data to one another [paragraph 31]. The terminal devices may communicate with each other over a network server [paragraph 56, lines 18-20]. Nowhere does Nishihata teach when the receiving side is not ready to receive the character message that is transmitted from the transmitting side via the administrator server, the administrator server converts the text message into an electronic mail, attaches the character information and the action information to the electronic mail as attachments and transmits the electronic mail to the receiving side.

Kay et al (U.S. Patent No. 6,430,602 B1) teaches a method and system for acting on requests and queries received from remotely located users using an instant messaging protocol [column 1, lines 6-11]. A user may request a message processor to send an instant message to a screen name wherein the message processor receives the request and forwards it to a query response server. The query response server responds to the request by generating an appropriate answer, which is returned to the message processor where it is incorporated into an output message sent to the user through an IM network. In addition, the output message can be forwarded to the user through e-mail [column 4, lines 49-67; column 5, lines 1-7]. Nowhere does Kay et al teach when the receiving side is not ready to receive the character message that is

transmitted from the transmitting side via the administrator server, the administrator server converts the text message into an electronic mail, attaches the character information and the action information to the electronic mail as attachments and transmits the electronic mail to the receiving side, as recited in claims 1 and 5.

Regarding claims 3 and 6, none of the cited arts of records discloses, suggest, nor teaches a system wherein the character displayed on the receiving side temporarily suspends its action while a text message is being displayed in a message box and then resumes its action after the message box is dismissed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alvin H. Tan whose telephone number is 571-272-8595. The examiner can normally be reached on Mon-Thu 9:30-7 and alternating Fridays 9:30-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on 571-272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AHT

Assistant Examiner

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TADESSE HAILU

Patent Examiner